

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appl. No. 09/822,310

REMARKS

Claims 1-3 and 5-47 have been examined. Claims 1-3, 5-7, 16, and 29-35 have been rejected under 35 U.S.C. § 112, and claims 29, 30, 34, and 35 have been rejected under 35 U.S.C. § 102(e). Also, the Examiner indicates that claims 8-15, 17-28 and 36-47 contain allowable subject matter.

I. Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-3, 5-7, 16, and 29-35 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Applicants have amended the claims as suggested by the Examiner and submits that the rejection is overcome.

**II. Rejection under 35 U.S.C. § 102(e) over U.S.P. 6,073,076 to Crowley et al.
("Crowley")**

Claims 29, 30, 34, and 35 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Crowley. Applicants submit that the claims are patentable over the cited reference.

For example, claim 29 comprises a defragmenting processing device that performs defragmenting processing with a storage device. Also, the defragmenting processing device preserves defragmenting progress data, which is indicative of the progress of the defragmenting processing, if the defragmenting processing is interrupted.

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The Examiner seems to contend that Fig. 10 of Crowley and the related portions of the specification suggest the features above, but Applicants respectfully disagree. As shown in Fig. 1, Crowley discloses a navigation system 10 that includes a memory 16 that stores a navigation application software program 18. Furthermore, as shown in Fig. 2, the program 18 contains a parcel queue manager 404 that manages the parcel queue shown in Fig. 10. (Column 15, lines 4-5). The queue manager 404 assists in defragmenting the memory 16 to improve the performance of the system, and the operator of the system is provided with a message via the user interface 31 (Fig. 1).

However, Crowley contains absolutely no description of any processing when the defragmenting of the memory 16 is cancelled or interrupted. (See, e.g., column 14, line 64, to column 15, line 21). Thus, the reference does not suggest that progress data, which indicates the progress of the defragmenting process, is generated and preserved when the defragmentation of the memory 16 is interrupted..

Accordingly, Applicants submit that claim 29 is patentable over Crowley. Also, claims 30, 34, and 35 are patentable at least by virtue of their dependency on claim 29.

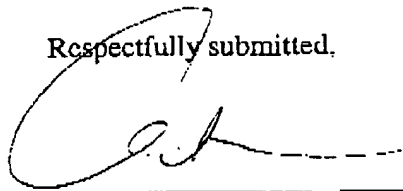
III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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